

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANDRE RICHARDSON,

Plaintiff(s),

v.

JENNIFER AIELLO, et al.,

Defendant(s).

Case No. 2:11-CV-302 JCM (CWH)

ORDER

Presently before the court is *pro se* plaintiff Andre Richardson's motion to reopen. (Doc. # 31). Defendants have not filed a response and the deadline to do so has passed.

Also before the court is plaintiff's motion for relief from judgment. (Doc. # 32). Defendants have not filed a response and the deadline to do so has passed.

On November 14, 2013, the clerk's office sent notice to plaintiff Richardson regarding intent to dismiss for want of prosecution pursuant to Local Rule 41-1. (Doc. # 29). Local Rule 41-1 provides, "[a]ll civil actions that have been pending in this court for more than two hundred seventy (270) days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution on motion of counsel or by the court."

The notice advised plaintiff Richardson that his case had been pending for more than two hundred seventy days without any proceeding having been taken and that if no action was taken by December 14, 2013, his case would be dismissed for want of prosecution. (Doc. # 29). On December 26, 2013, the court dismissed plaintiff's case without prejudice for want of prosecution. (Doc. # 30).

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1 Plaintiff continued to file nothing with the court until September 29, 2014, and October
2 23, 2014, when plaintiff filed the instant motions to reopen case (doc. # 31) and for relief from
3 judgment (doc. # 32).

4 A district court has the authority to grant relief from judgment pursuant to Fed. R. Civ. P.
5 60(b). *Kingvision Pay-Per-View Ltd. v. Lake Alice Bar*, 168 F.3d 347, 352 (9th Cir. 1999). In
6 the Ninth Circuit, a district court has the authority to do so *sua sponte*. *Id.*

7 The court declines to reopen plaintiff's case and grant plaintiff relief from judgment.
8 Plaintiff was silent for more than a year and a half total and failed to file anything before this
9 court for nine months after the court's warning that plaintiff's case would be dismissed if no
10 action was taken. Because plaintiff's complaint was dismissed without prejudice, the court finds
11 no reason to reopen the instant action.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* plaintiff Andre
14 Richardson's motion to reopen (doc. # 31) and motion for relief from judgment (doc. # 32) be,
15 and the same hereby are, DENIED.

16 DATED January 28, 2015.

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18 UNITED STATES DISTRICT JUDGE
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